

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NORTH DAKOTA**  
**NORTHWESTERN DIVISION**

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United States Securities and Exchange  
Commission,

Court File No. 4:15-cv-053

Plaintiff,

vs.

North Dakota Developments, LLC, Robert L.  
Gavin, and Daniel Hogan,

**FIFTH INTERIM FEE  
APPLICATION FOR PROFESSIONAL  
FEES AND EXPENSES OF  
RECEIVER GARY HANSEN**

Defendants,

and

North Dakota Developments Property  
Management LLC, Great American Lodge  
LLC, NDD Holdings 1 LLC, NDD Holdings  
2 LLC, NDD Modular LLC, Augusta  
Exploration, LLC, and Ames Engineering &  
Development Services LLC,

Relief Defendants.

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For his Fifth Interim Fee Application for Professional Fees and Expenses of Receiver Gary Hansen (“Application”), Receiver Gary Hansen (the “Receiver”) states:

**A. Information about the Applicant and the Application**

The Receiver was appointed on May 18, 2015 pursuant to the Court’s Order Granting Plaintiff’s Motion for Preliminary Injunction and Appointment of Receiver, Asset Freeze, and other Equitable Relief [Dkt. No. 20] (“Receiver Order”). This Fifth Interim Fee Application covers services provided by the Receiver and his law firm Fox Rothschild LLP (“Fox Rothschild”), from February 1, 2020 through January 31, 2022.

Pursuant to the Receiver's agreement with the United States Securities and Exchange Commission ("SEC"), the Receiver reduced his hourly rate for this matter to \$525. All other rates were reduced by ten percent, with a cap of \$525. Below is a list of the names and hourly rates of all professionals and paraprofessionals at Fox Rothschild who have provided services to the Receivership during this billing period.

<u><b>Timekeeper</b></u>	<u><b>2020 Rate</b></u>	<u><b>2021/ Jan. 2022 Rate</b></u>
Gary Hansen	\$525.00	\$525.00
Ranelle Leier	\$490.50	\$525.00
Kenneth Rowe		\$525.00
Robert Biddle	\$112.50	

#### **B. Status Update**

The Receiver submitted a Fifth Status Update to the Court on October 29, 2021. [Dkt. No. 174.] The financial information set forth in that Status Update is still accurate. Since the date of that update, the Receiver filed a Motion to Authorize and Confirm Sale of Property Located Near Parshall, ND. [Dkt. No. 182.] The real property near Parshall, ND is the primary asset remaining to be liquidated. In addition, the Receiver filed a Motion to Approve Asset Distribution Plan. [Dkt. No. 175.] The Court set a hearing on the Receiver's Motion to Approve Asset Distribution Plan for March 22, 2022. [Dkt. No. 177.]

#### **C. Current Fees and Expenses**

The Receiver is requesting approval from the Court for the payment of attorney's fees in the amount of \$64,147.35 and expenses in the amount of \$80.21 for the time period February 1, 2020 through January 31, 2022. Prior to the submission of the Application to the Court, the Receiver provided the SEC a copy of the Receiver's billing statement for its review and

comment. The Receiver is also submitting the Receiver's billing statement to the Court for *in camera* review.

The chart below sets forth the billing professional or paraprofessional, the total hours billed by each person, and the total amount of billing for each person from February 1, 2020 through January 31, 2022.

<b><u>Timekeeper</u></b>	<b><u>Total Hours</u></b>	<b><u>Total Billing</u></b>
Gary Hansen	3.3	\$ 1,732.50
Ranelle Leier	106.8	\$55,424.85
Kenneth Rowe	11.6	\$ 6,090.00
Robert Biddle	8.0	\$ 900.00
<b>TOTAL</b>	129.7	\$64,147.35

The expenses for which the Receiver seeks reimbursement are summarized in the chart below.

<b>Expenses – 02/1/2020 - 1/31/2022</b>	
<b><u>Category</u></b>	<b><u>Amount</u></b>
Electronic research/Westlaw	\$ 1.56
Publication research	\$63.12
Messenger/Overnight delivery	\$13.13
Photocopying	\$ 2.40
<b>TOTAL</b>	<b>\$80.21</b>

The Receiver's billing statement provides detailed time entries describing the work performed by each timekeeper and includes additional details regarding the expenses for which the Receiver seeks reimbursement. In support of this Application, the Receiver has also submitted a Certification indicating *inter alia* that all of the fees and expenses for which he is seeking reimbursement are true and accurate and that such fees are reasonable, necessary and commensurate with the skill and experience required for the activity performed.

Pursuant to the Billing Instructions provided to the Receiver by the SEC, the Receiver acknowledges that, to the extent requested by the SEC, this Application may be subject to a 20% holdback of the requested fees and expenses, and that the total amounts held back during the course of the Receivership will be paid out at the discretion of the Court as part of the final fee application submitted at the close of the Receivership. If the SEC makes such a request, the Receiver does not object to this request. If the Court orders that any of the requested fees and expenses be held back, such funds will be held by the Receiver in a segregated account, payment of which will be considered by the Court with the Receiver's final fee application.

Therefore, the Receiver respectfully requests the Court to authorize payment to the Receiver in amount of \$64,227.56.

Dated: February 23, 2022

**FOX ROTHSCHILD LLP**

By: s/ Gary Hansen  
Gary Hansen (MN #40617) admitted *pro hac vice*  
Ranelle Leier (MN #277587) admitted *pro hac vice*

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**RECEIVER AND ATTORNEY FOR RECEIVER FOR  
DEFENDANT NORTH DAKOTA DEVELOPMENTS,  
LLC AND RELIEF DEFENDANTS**